

Remarks

Claims 1-46 are pending. Claims 19-33 and 35-46 have been withdrawn. Claims 1-18 and 34 have been rejected.

Rejections under 35 U.S.C. 112

Claims 1-18 and 34 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement for all “chemical agents.” Applicants believe the amendments to claims 1, 15 and 34 have mooted the rejections.

Claims 1-18 and 34 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to provide for sufficient description of the term “chemical agents.” Applicants believe the amendments to claims 1, 15 and 34 have mooted the rejections.

Rejections under 35 U.S.C. §102

Claims 1, 3, 4, 7, 10, 11, 13, 15-17 and 34 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,358,557 to Wang et al. (“Wang”).

Claims 1, 3, 4, 7, 10, 11, 13, 15-17 and 34 were previously rejected over claims 1-9 and 14 of U.S. Patent No. 6,221,425 under the doctrine of obviousness type double patenting (see the Office Action mailed on December 22, 2003, page 6, top). As the enclosed Declaration establishes, Eugene T. Michal conceived the subject matter defined by claims 1, 3, 4, 7, 10, 11, 13, 15-17 and 34 of the instant application and the subject matter defined by claims 1-9 and 14 of U.S. Patent No. 6,221,425, which issued over U.S. application No. 09/016,694, **filed on January 30, 1998**. Accordingly, Applicants believe

Wang is not prior art against claims 1, 3, 4, 7, 10, 11, 13, 15-17 and 34. The rejections are therefore moot.

Rejections under 35 U.S.C. 103

Claims 2, 8, 9, 12, 14 and 18 have been rejected under 35 U.S.C. 103(a) as being obvious over Wang. As discussed previously, Applicants believe the rejections are moot.

Claims 5 and 6 have been rejected as being obvious over Wang in light of U.S. Patent No. 5,620,738 to Fan et al. ("Fan").

Claims 5 and 6 depend from claim 1 and require **immobilizing the anti-thrombogenic material directly to chemically functional groups within the base coat layer on the surface of the medical device.** Wang is no longer prior art. **Fan describes using a binder polymer with aldehyde or isocyanate functional groups to attach lubricious acrylic-based polymers to stents.** Fan does not describe or teach attaching an anti-thrombogenic material to a coating. Accordingly, claims 5 and 6 are patentably allowable over Fan.

CONCLUSION


Withdrawal of the rejection and allowance of the claims are respectfully requested.

If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the

undersigned attorney for approval of an Examiner's amendment. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,



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